

PERSONNEL POLICIES FOR LOCAL DEPARTMENTS OF SOCIAL SERVICES

22 VAC 40-675

**PERSONNEL POLICIES FOR LOCAL DEPARTMENTS OF SOCIAL SERVICES**

PART I.

GENERAL PROVISIONS.

22 VAC 40-675-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrative manual" means the Administrative Manual for Local Departments of Social Services Human Resource Management which outlines the personnel policies and procedures.

"Board" means the State Board of Social Services.

"Classification" means the systematic grouping of positions based on shared characteristics.

"Class means a detailed statement that the characteristic elements of each classification and identifies the duties and KSAs.

"Commissioner" means the Commissioner of the Virginia Department of Social Services, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Deviate" means to adopt all or portions of the local jurisdiction personnel policies.

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“Jurisdiction” or “local jurisdiction” means the city, county or town under which the local department is a governmental unit.

"KSA" means a knowledge, skill, or ability needed to perform a position.

"Local board" means the local board of social services representing one or more counties or cities.

“Local compensation plan” is the locally developed pay plan which lists classifications, salary grades, and pay steps of intervening increments from the minimum to the maximum amounts established for each grade, and includes other pay actions.

"Local department" means the local department] of social services of any city or county of this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Department of Health and Human Services as relates to compliance with federal merit system standards set forth in the Code of Federal Regulations (5 CFR Part 900).

“Salary range” means salary grades and pay steps of intervening increments from the minimum to the maximum established for each grade, which includes reimbursable and non-reimbursable steps.

"State Classification Plan" means the Department's classification] plan that consists of approved classifications and their corresponding class groups, salary grades, classification codes, equal employment opportunity codes and effective dates.

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“State Compensation Plan” means the Department’s pay plan, which provides local departments a basis to develop local compensation plans.

22 VAC 40-675-20. Local department designation.

A. Local departments are designated as Levels I through VI. The level assigned is determined by the number of authorized positions.

B. The levels are used in the development and approval of the local department classification and compensation plans.

22 VAC 40-675-30. Development of personnel policies and procedures.

A. The Board shall approve statewide personnel policies and procedures that are consistent with these regulations and the merit principles as outlined in the Code of Federal Regulations (5 CFR Part 900). These policies and procedures are contained in the Administrative Manual.

B. The local director shall submit an updated copy of the Human Resource Policy Record as designated by the Department.

22 VAC 40-675-40. Inclusion in local jurisdiction personnel plans.

A. It is the policy of the Board to allow local department employees to be included in the approved local jurisdiction personnel plans instead of utilizing personnel policies outlined in the Administrative Manual.

B. Comprehensive jurisdiction plans shall meet merit system standards and be comparable to personnel policies included in the Administrative Manual. Specific personnel functions that must be included in the local jurisdiction personnel plans are listed in the Administrative Manual.

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C. Such plans must be documented to the satisfaction of the Board.

D. The Board must approve a jurisdiction personnel plan prior to the inclusion of local department employees in the plan.

22 VAC 40-675-50. Adoption of specific policies of the local jurisdiction.

A. A local department, upon approval by the local board may request to deviate from state policies by adopting specific local jurisdiction policies instead of using personnel policies and procedures outlined in the Administrative Manual. The following local policy options may be requested on the Local Policy Request Form:

1. Performance evaluation;

2. Standards of conduct;

3. Leave policies;

4. Holiday schedule;

5. Inclement weather;

6. Probationary period; or

7. Layoff.

B. Local policy options also exist for classification, compensation, and affirmative action.

C. When the local department wants to exercise one of the allowable options, it must obtain required approvals and submit the required forms to the Department in accordance with the Administrative Manual. The Commissioner will provide his analysis to the Board.

D. When Policy changes, the local department shall submit a Local Policy Request Form to the Department.

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PART II.

STATE CLASSIFICATION AND COMPENSATION.

22 VAC 40-675-60. State Classification Plan.

The State Classification Plan consists of a broad range of approved classifications and accompanying specifications for use by the local departments to develop their local compensation plans to administer the programs set forth in Title 63.2 of the Code of Virginia.

22 VAC 40-675-70. Commissioner's responsibilities.

A. The Commissioner shall establish the State Classification Plan and shall submit the plan to the Board for approval.

B. The Commissioner shall maintain the State Classification Plan to ensure that it has the appropriate numbers and type of classifications to meet the needs of local departments.

22 VAC 40-675-80. State Compensation Plan.

A. The Board shall approve a State Compensation Plan to ensure that it has the appropriate numbers and types of classifications to meet the needs of local departments.

B. The Board shall review the State Compensation Plan as needed.

C. Amendments to the State Compensation Plan shall be presented to the Board for approval.

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D. The Department shall advise local departments of all changes to the State Compensation Plan and any mandates that require local department action.

22 VAC 40-675-90. Local Compensation Plans.

A. A local department, upon approval by the local board shall have flexibility in developing the local compensation plan to select salary ranges within the approved State Compensation Plan that are suitable to local situations. The range for each class shall provide local minimum and maximum rates and intervening steps. The local plan shall ensure that local minimum salary rates do not fall below the State Compensation Plan minimum salary for that classification.

B. A local compensation plan shall include policies and procedures for awarding salary increments, conversion, merit increases, special compensation for child and adult protective service work, employee or position status changes, and any other type of approved increases. Salary determinations shall be rendered in a fair and consistent manner to ensure equal pay for equal work.

C. All requested position actions by local departments must be reviewed and approved by the Department prior to implementation.

D. Midyear changes to the local compensation plan must be submitted to the Department for review and approval.

E. Local compensation policies and practices shall comply with federal and state laws including the federal Fair Labor Standards Act (29 USC §§201-219), The Administrative Manual and procedures provided by the Department.

22 VAC 40-675-100. Other local compensation issues.

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A. In localities where the governing body has elected to have a director of social services serve as the local board, reimbursement for governing body assigned expenses shall be in accordance with §63.2-310 of the Code of Virginia.

B. Provisions shall be made for overtime worked in accordance with the Fair Labor Standards Act (29 USC §§ 201-219). The reimbursement shall be up to the reimbursable maximum of the applicable position classification. Local departments with approved deviating compensation plans will also be reimbursed up to the maximum of the applicable position classification. When the local deviating maximum exceeds the state reimbursable maximum, local-only funds shall be used to compensate for overtime.

C. Reimbursements shall be made for absences that result from the closing of local departments' operations because of inclement weather conditions or other authorized closing.

D. Bonuses for employees of local departments of social services shall be consistent with §15.2-1508 of the Code of Virginia and with procedures provided by the Department.

22 VAC 40-675-110. Deviations from State Classification.

A. The Board may approve local department's request for deviation from the State Classification and Compensation Plan.

B. Deviation requests may be either for classification, classification and compensation or compensation only.

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C. Local departments shall submit required forms as specified in the Administrative Manual when requesting deviation from the State Classification Plan or State Compensation Plan.

22 VAC 40-675-120. Sanctions.

A. Policies and practices by the local departments are subject to review or audit by the Department.

B. Reviews may include but not be limited to the assessment and analysis of personnel data, records, reports, systems and feedback from local department employees.

C. When the Department finds that a local department has not complied with or has violated the provisions of this regulation, the Department may impose financial sanctions or require reimbursement of funds. Funds may be withheld until such time as deemed necessary for the proper administration of the local compensation plan.

PART III.RECRUITMENT AND SELECTION OF LOCAL DEPARTMENT EMPLOYEES.22 VAC 40-675-130. General Hiring Provisions.

A. Recruitment, selecting and advancing employees shall be on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for original appointment assuring fair treatment of applicants and employees in all aspects of personnel administration and with proper regard to their privacy and constitutional rights as citizens. This fair treatment principle includes compliance with the federal equal employment opportunity and nondiscrimination laws.

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B. The Department shall determine the application process and employment forms to be used by all applicants for original appointment, promotion, demotion, transfer and reemployment.

C. In accordance with §63.2-325 of the Code of Virginia, the Commissioner shall provide a list of eligible candidates for the position of local director to the local board or other appropriate appointing authority.

D. The Board places the responsibility of the final selection process of employees with the local director and local board.

E. Local departments adopting local jurisdiction personnel plans shall follow the provisions of the city, county or town of which they are a governmental unit.

PART IV.EMPLOYEE STATUS.

22 VAC 40-675-140. Employee status in the merit system plan.

A. Status defines the employee's permanency in the system as it relates to benefits and the use of grievance policies.

B. The types of employee status included in the merit system plan are probationary, non-probationary, restricted, temporary and emergency.

C. Local departments shall provide benefits in accordance with the requirements of the Administrative Manual.

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22 VAC 40-675-150. Reimbursements to local departments for benefits paid to employees.

All reimbursements shall be made in accordance with policies and procedures provided by the Department.

22 VAC 40-675-160. Termination or separation from local service.

The local board or other appointing authority subject to the merit system plan shall ensure that employees are separated in accordance with procedures contained in the Administrative Manual.

PART V.

EMPLOYEE PERFORMANCE.

22 VAC 40-675-170. Performance evaluation of local department employees.

A. The local board shall complete the performance evaluation of the local director using the standards approved by the Board and contained in the Administrative Manual.

B. The local directors have responsibility for ensuring the evaluation of local employees in accordance with the Administrative Manual.

PART VI.

EQUAL EMPLOYMENT OPPORTUNITY.

22 VAC 40-675-180. Equal employment opportunity.

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A. The Board promotes equal employment opportunity in the recruitment and selection process by ensuring that qualification requirements are job-related and that such requirements do not limit or restrict employment opportunities because of race, color, religion, sex, age, disability, national origin or political affiliation (except where sex or age is a bona fide occupational qualification).

B. All local departments shall prepare their own affirmative action plan in accordance with the Administrative Manual, or comply with a written local jurisdiction plan, which provides an aggressive, coherent management program for equal employment for all employees and applicants for employment.

C. Employees or applicants for employment who believe that they have been discriminated against may file a complaint with the Virginia Department of Human Resource Management, Office of Equal Employment Services, James Monroe Building, 101 North 14<sup>th</sup> Street, Richmond, Virginia 23219.

D. All local departments are required to cooperate fully with the Office of Equal Employment Services when they are conducting official investigations of charges of discrimination. Cooperation includes providing papers, notes, documents and any other written material, and responding to questions deemed necessary by that office to investigate the charge.

PART VII.STANDARDS OF CONDUCT.

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22 VAC 40-675-190. Policy, intent and purpose.

A. The intent of the Standards of Conduct is to protect the well-being of employees, assure safe and efficient operations and establish a fair and objective process for correcting and treating unacceptable conduct.

B. Standards of Conduct shall be limited to employee conduct occurring at work or when otherwise representing the local department in a work related capacity, unless otherwise specified in Department policies and procedures.

PART VIII.

GRIEVANCE PROCEDURE.

22 VAC 40-675-200. Employee grievance procedure.

Local departments not included in their jurisdiction's grievance procedure shall develop their own in accordance with the Administrative Manual. This grievance shall be consistent with the provisions of Chapter 10 (§2.2-1000 et seq.) of the Code of Virginia.

PART IX.

OTHER EMPLOYEE RELATIONS POLICIES.

22 VAC 40-675-210. Political activity.

A. No local department employee shall make use of his official authority or influence to:

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1. Interfere with or affect the result of a nomination or election to office;
2. Directly or indirectly coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or
3. Be a candidate for public elective office in a partisan primary, general or special election.

B. The local department's provisions on political activity are consistent with the federal Hatch Act (5 USC §§ 1501-1509) and facilitate effective control of prohibited political activity by employees.

C. In general, the Hatch Act covers officers or employees of a state or local department if their principle employment is in connection with an activity that is financed in whole or in part by loans or grants made by a federal agency. An employee subject to political activity laws continues to be covered by these laws and regulations while on annual leave, sick leave, leave without pay, administrative leave or furlough.

D. Local boards shall adopt these provisions or instead, adopt the provisions of the local governmental jurisdiction consistent with the federal Hatch Act.

22 VAC 40-675-220. Outside employment of local department employees.

A. Employees in local departments shall not engage in any other employment, any private business, or in the conduct of a profession that interferes with their usefulness as an employee during normal working hours and their work performance, or shall not be in violation of Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

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B. If an employee desires to seek or be engaged in outside employment, the employee must first obtain approval from the local director.

C. If an employee accepts employment outside the agency without receiving prior approval, the employee will be subject to disciplinary action under the Standards of Conduct.

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FORMS

Local Policy Request Form (eff. 9/00).  
Self-Analysis Audit for Deviations (eff. 9/00).  
Human Resource Policy Record

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**DOCUMENTS INCORPORATED BY REFERENCE**

Local Agency Compensation Plan, Virginia Department of Human Resource Management, revised December 1, 2000.

Administrative Manual for Local Departments of Social Services